

APPROVED

TOWN OF WESTFORD
BOARD OF SELECTMEN
MINUTES

DATE: February 10, 2004

TIME: 7:30 P.M.

PRESENT: Christopher Romeo, Robert Jefferies, Dini Healy-Coffin,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux, Town Manager, Audience Members

Open Forum

Healy-Coffin reported that the School Committee last night announced the retirement of two teachers, Jane Hay and Dora Desautels. Healy-Coffin wished them good luck. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to send Jane Hay and Dora Desautels letters of appreciation.**

Romeo announced that a budget forum with the Board of Selectmen, Finance Committee, School Committee and Finance Director will be held on Wednesday, February 11, 2004, 7:30 p.m. at the J.V. Fletcher Library. The purpose of the budget forum will be to answer general questions about the budget.

Public Hearing – Application to Alter Premises of Existing Liquor License, Butter Brook Crossing, LLC, 15 Old Road

Attorney William Daley, representing Elizabeth and Albert E. Kennedy, Jr., was present seeking to alter the premises of the existing liquor license to include a 600 sq. ft. deck. Daley submitted a plan showing the deck area. There was no input from the floor. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to close the public hearing. It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve.**

Senior Tax Relief Discussion

Romeo reported that the Selectmen discussed a possible warrant article for Senior Tax Relief under Clause 41C last year but it did not come before town meeting. Romeo also reported on a meeting held in August, 2003 with the Council on Aging and a discussion regarding whether or not the Selectmen would sponsor the article. Paul Plouffe, Principal Assessor, was present and outlined the three options available to the Selectmen:

- 1) Town has option to lower age to 65 or leave as is at 70;
- 2) Town has option to increase income and asset requirements or leave at the old levels; and
- 3) Town has option to increase exemption amounts up to \$1,000 from \$500.

Plouffe noted that if all three options are assumed there will be a substantial impact on the overlay account. Plouffe reported that the Board of Assessors suggested increasing the income and asset requirements to \$30,000. The Board of Assessors was not in favor of the other two options. Healy-Coffin asked Plouffe to provide a survey of comparable communities regarding what they have done relative to income and asset requirements. Joanne Sheehan, Director of Council on Aging, reported that 36 communities have adopted Clause 41C. Sheehan was concerned with impacts relative to an increase of the exemption amounts and felt that the age change could be addressed in the future. Mary Sawosik, Senior Tax Relief Committee, referenced a packet of information that she provided the Board. Sawosik was in favor of increasing the income and asset requirements but not in favor of changing the age requirements or the exemption amounts. Sawosik pointed out that many of Westford's senior citizens are living on a fixed income and paying high taxes. Sawosik offered to sponsor a citizen's petition. It was the consensus of the Board to put a place holder on the warrant for this item and examine more information relative to other communities before making a decision on the options. This matter to be discussed a future meeting.

Request for Waiver of Hiring Freeze

Maintenance Position, Adult Day Program – Joanne Sheehan, Director of Council on Aging, requested that the hiring freeze be lifted for the position of Adult Day Maintenance/Custodian. Sheehan outlined the job requirements and work schedule. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve (the request to lift the hiring freeze).**

Selectmen to Sign Second Amendment to Right of Reverter, 12 Brookside Road

Attorney Suzanne Poitras, representing Nabnasset Mill Partners, LLC, was present seeking the Board's signature on the second amendment to the Right of Reverter for the Brookside Mill. Romeo pointed out that the Westford Zoning Bylaw reference of Section 173-25A should be Section 10.2 due to the recent

changes to the Bylaw. Romeo also clarified that the sentence ...Paragraph (1) of the deed and confirmatory deed... means enumerated paragraph (1).

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to accept and sign the Second Amendment to Town of Westford's Right of Reverter, 12 Brookside Road, as duly noted by Chris Romeo and as amended today by Town Counsel.

Poitras asked the Board to also sign the Subordination of Rights which has been approved by Town Counsel. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to sign the Subordination of Rights Agreement.**

Licenses/Permits

Request for Election & Annual Town Meeting Banners – Memo dated February 2, 2004 submitted by the Town Clerk seeking permission to hang banners across Main Street on various dates. **It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to allow the banners as requested in the Town Clerk's list of election dates.**

Appointments

Additional Election Officers – Memo dated February 3, 2004 submitted by the Town Clerk for the appointment of additional election officers. **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to appoint Barbara Wilcox Christie, Erica S. Davidson, Kathy Haramundanis, Robert E. Huettner, Virginia C. Huettner, Jean A. Munro, Suzanne M. Pude and Linda Valcourt.**

Franklin Property

No report at this time.

Minutes

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of January 13, 2004 (regular session).

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of January 13, 2004, executive session but NOT release to the public.

Presentation of Town Manager's FY05 Budget

Ledoux made a presentation of the Town of Westford Reserves FY01-09, Minimum Recommended, Actual & Projected; Minimum Recommended Reserves; State Aid – 10 Fiscal Years; Actual & FY05 Governor's – FY06 10% Cut; Revenues and Reserves FY04, FY05; Fee Proposals Not Factored Into 05 Budget; What Has Happened to Mitigate 10% Budget Reductions; Town Manager's Recommended/

Operating Budget Town 3% Schools 2%; Town Manager's Reductions to Operating Budget; Ongoing Initiatives; Local Revenue Enhancement; Hiring Freeze Remaining in Place; All Purchasing Approved by Town Manager; and All Travel Approved by Town Manager.

Margaret Murray, Chairman of the School Committee, reported that a \$1.8M budget presentation was made to the Finance Committee (3.2% increase over FY04 budget). Murray stated that the School Committee has not yet prioritized the list of proposed cuts. Murray indicated that the School Committee would like to meet with the Selectmen after February 23, 2004 for a budget presentation.

Liz Adams, Chairman of the Finance Committee, reported that they will be reviewing the budget on February 25, 2004.

Board Reports/Updates

Cable Advisory Committee – Silva reported that a public hearing will be held on Thursday, February 26, 2004 at 7:00 p.m., J.V. Fletcher Library, to discuss the license renewal for Comcast. Romeo referenced a letter from Comcast with a copy of the Annual Consumer Complaint Form "Form 500" as required by Chapter 166A of the General Laws of Massachusetts. Silva stated that Comcast is better at responding to customer complaints. Jefferies reiterated his suggestion to charge Comcast for the use of the town's right-of-way for the internet. Silva indicated that the City of Boston tried to charge for the internet portion and failed. Silva stated the CAC is still looking into Jefferies' suggestion. Jefferies felt that since the internet portion is not regulated the Town should be aggressive and collect the revenue. Jefferies asked if Town Counsel or Counsel for the CAC could look into the internet tax more closely. Ledoux suggested discussing the matter at a policy meeting. Jefferies noted that Comcast is raising rates, lowering their product and has not built out the internet. Jefferies stated that he will not vote to renew the license. Silva stated that he will ask Attorney Peter Epstein what he would charge to look into the internet tax issue and will report back to the Board.

Request to Abandon Town Road

Romeo recused himself as he is a business associate of John H. Pearson, Jr., Trustee of Stone Pony Realty Trust. Daniel Mansur, representing Stone Pony Realty Trust, and Bernard Hamill, H-Star Engineering, were present seeking placement of an Article on the Annual Town Meeting Warrant to abandon an old road which lies almost entirely within the property at 304 Gorton Road. Mansur explained that Stone Pony Realty Trust is the potential purchaser of the property located at 304 Groton Road. Mansur showed a plan of the property with the abandoned road. Mansur believed that the road was abandoned prior to 1934. Mansur stated that if the road is abandoned the property would be deeded to Mr. and Mrs. Schurman for frontage directly along Tyngsboro Road. Ledoux recommended further investigation of this matter particularly how the

roads were accepted and if they were laid out as county roads. Loiselles asked if there was any value of the abandoned road for the Town. Ledoux reported that the Assistant Town Manager and the Town Planner are currently reviewing the matter. Ledoux stated that he would contact Mansur after the completion of the investigation.

Old Business/New Business

Joint Meeting with the Planning Board re: Magnolia Drive Road Change on February 23, 2004 – The Board agreed to meet with the Planning Board.

Warrant for March 2nd Primary – The Board signed the warrant.

Correspondence

Jefferies read the list of correspondence.

2.7 Letter of resignation, Gerry DiBello, as Chairman of the Westford Recycling Commission. The Board thanked DiBello for his efforts.

Executive Session

The Board voted at 9:30 p.m. to go into executive session for the purpose of discussing the Sullivan Estates Subdivision, Rome Drive. A polling of the Board: Romeo-yes; Jefferies-yes; Healy-Coffin-yes; Loiselles-yes; Silva-yes. The Board to reconvene to regular session for the purpose of adjournment only.

Open Items

2/10-1 Ledoux to send letters of appreciation to Jane Hay and Dora Desautels, retiring school teachers.

2/10-2 Board to discuss Sr. Tax Relief at future meeting after review of survey to be provided by Paul Plouffe.

2-10-3 Silva to ask Atty. Epstein for his costs to review internet tax issue for Comcast and report back to the Board.

2-10-4 Ledoux to contact Daniel Mansur re: abandonment of old road at 304 Groton Road after investigation by Asst. Town Manager and Town Planner.

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 9:40 p.m. It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux-Town Manager

Christopher Romeo, Chairman